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In the Matter of )  
Carriage of the Transmissions )  
of Digital Broadcast Stations )

CS Docket No. 98-120

Comments of Regina LaBelle, President,  
Citizens for C-SPAN, Seattle, Washington

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I, Regina LaBelle, file these comments on FCC's Carriage of the Transmissions of Digital Television Broadcast Stations, CS Docket No. 98-120. I file these comments on behalf of myself and the 200 members of Citizens for C-SPAN nationwide.

### **Introduction**

I write to encourage the FCC to adopt a "no must carry" position when issuing regulations for digital television. There are three reasons for this position: first, valuable television programming such as C-SPAN will be eliminated from the cable line-up if a digital must carry rule is issued; second, the best way to determine television programming is through the free market; and third, a digital "must carry" (DMC) rule will infringe on C-SPAN's First Amendment rights. Eliminating C-SPAN1/2 from the cable television line-up will inhibit the ability of many Americans to receive the kind of unedited programming that is available on these cable television channels.

### **I. C-SPAN1/2 Provides Valuable Television Programming That Will Be Eliminated If Digital Must Carry Is Imposed.**

C-SPAN provides a valuable public service that is not found anywhere else on television. Its window on politics allows people from all socio-economic backgrounds and from across the country, to see an unfiltered view of their federal government. Citizens for C-SPAN, a 501(c)(3) corporation, has been in existence since 1997, when C-SPAN's hours of broadcast were reduced by half in the Seattle area. Many individuals across the area spoke out against this action by our local cable company. So many in fact, that C-SPAN's programming hours were restored. If additional "must carry" requirements were imposed, however, it would have been almost impossible for the local cable company to find the channel space to restore C-SPAN or add C-SPAN2. We have found this situation in many areas across the country. Because, as stations are added under the existing must carry

requirements, channel space gets tighter and stations such as C-SPAN are dropped.

What interest is served by mandating carriage of digital broadcast channels over a tested cable network such as C-SPAN?

It is not mere speculation that C-SPAN and C-SPAN2 will be eliminated if DMC is implemented. Look at any cable line-up across the country and you can see that if the government mandates carriage of ten more local digital broadcast stations, ten smaller cable stations will have to be dropped. And one of the first networks on the chopping block will be C-SPAN. These drops will not occur, however, because the public has demanded something else. The drops will occur because a government mandate has displaced them from the cable channel line-up.

As an example, in parts of the Seattle area, the local cable company has just completed a build-out which has resulted in the addition of C-SPAN2 as well as several other satellite cable channels. If a digital must-carry requirement is mandated, the cable company will have to find space for at least ten new digital broadcast channels. The broadcast stations requiring additional channel space will be ABC, CBS, NBC, and Fox affiliates, as well as PBS, WB, and UPN. Among the channels that cable companies will have to consider for elimination are C-SPAN1/2, TVW (a Washington state version of C-SPAN), the Canadian Broadcasting Company, The History Channel, The Learning Channel, The Weather Channel, Lifetime, A&E, MSNBC, Animal Planet, Univision, The Discovery Channel, Nickelodeon, VH1, MTV, ESPN2, CNBC, QVC, Disney, The Cartoon Network, Odyssey. How will a program manager decide which program should be targeted for elimination to make room for a digital must-carry station?

A cursory survey of other channel line-ups across the country, towns in the midwest, east, and the south, shows that this situation is common nationwide. How will these programming decisions be made and how will small networks such as C-SPAN survive? There is precedent for those of us who are concerned about the survival of C-SPAN1/2

under a digital must carry scheme. As a result of the 1992 Cable Act, C-SPAN1/2 went dark or was reduced in over 10 million households nationwide. Let's not repeat history here.

## **II. A Digital Must Carry Requirement Interferes With the Ability of American Consumers To Decide the Mix of Programming That They Desire.**

Because digital television is a new technology, the FCC should allow the free market to work before it imposes government regulations. The FCC stated in a news release dated April 3, 1997 that "Broadcasters will be able to put together whatever package of digital product they believe will best attract customers and to develop partnerships with others to help make the most productive and efficient use of their channels." Won't DMC directly contradict this goal? Individual consumers should decide what they want on their channel line-ups. The government should not be in the business of mandating carriage of local stations. Consumers have already indicated their preference for channels such as C-SPAN. Therefore, why make government rules that eliminate preferred channels for untested ones?

In addition, if DMC is implemented, new cable networks that have not yet been offered to the public will find it difficult, if not impossible, to be carried.

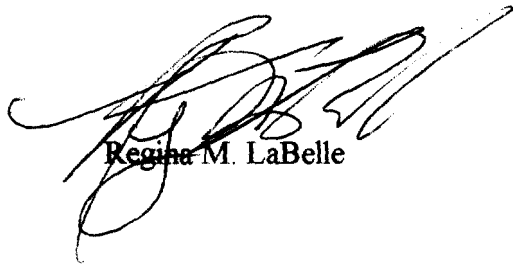
## **III. C-SPAN Viewers Have a Right to View First Amendment Programming.**

While we are aware that the U.S. Supreme Court upheld the analog must carry rule in *Turner Broadcasting System v. Federal Communications Commission*, the harm done to C-SPAN if digital must carry is implemented will be great. The primary reason that the harm will be greater is that there are more channels that will have to be displaced with DMC than occurred after passage of the 1992 Cable Act. As channels are added to a tight channel line-up, channels such as C-SPAN1/2 will be the first to go.

### **Conclusion**

Since moving to Seattle, Washington from Washington, D.C., I have come to rely upon C-SPAN1/2 for information about the activities of the federal government. The other day I watched a tribute to Senator Dale Bumpers (D-AR). I would never have been able to see this moving tribute to a fine public servant without access to C-SPAN2. C-SPAN viewers across the country enjoy access to information that is unavailable anywhere else on television. It should not be subject to continuing threats because of government channel mandates.

Respectfully submitted,



Regina M. LaBelle

October 13, 1998